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09/08/2010 04:57 PM

To Walter Mugdan/R2/USEPA/US@EPA,
cc Douglas Fischer/R2/USEPA/US@EPA, Doug
Garbarini/R2/USEPA/US@EPA, David
King/R2/USEPA/US@EPA, Paul
Simon/R2/USEPA/US@EPA, "Haggard, John (GE,
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<sgutter@Sidley.com>
bcc
Subject RE: Coring and Sampling SOW

As you know, there were numerous issues that were discussed during the summer that the Agency placed on hold pending receipt of the draft Peer Review report. The proposed SOW for coring is no different -- it was derived directly from the guidance provided by the Peer Panel and was submitted a week after the draft report was issued. In any event, we remain committed to undertaking the coring work that we proposed consistent with recommendations of the peer review panel. We believe that the data gathered from that additional sampling, although not required by the CD, will be helpful to EPA as it continues its analysis relevant to Phase 2. Today's discussion have apparently been postponed until tomorrow, hopefully we can resolve everything at that time.

Bruce R. Adler
Senior EHS Counsel
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From: Mugdan.Walter@epamail.epa.gov [mailto:Mugdan.Walter@epamail.epa.gov]
Sent: Tuesday, September 07, 2010 5:00 PM
To: Adler, Bruce (GE, Corporate)
Cc: Fischer.Douglas@epamail.epa.gov; Garbarini.Doug@epamail.epa.gov;
King.David@epamail.epa.gov; Simon.Paul@epamail.epa.gov; Haggard, John (GE, Corporate);
Moreno, Sheri L (GE, Corporate); Gibson, Bob (GE, Corporate); Gutter, Samuel I.
Subject: Re: Coring and Sampling SOW

As you know I'm out of town and can't meet with my folks to discuss this.

I would note, however, that we could have discussed this sampling program throughout July and August, but we did not receive GE's submission until late August (when some of our key players were on long-planned vacations). In any event, I believe we will be in a position to have final comments soon.
Sent by EPA Wireless E-Mail Services

From: "Adler, Bruce (GE, Corporate)" [Bruce.Adler@ge.com]
Sent: 09/07/2010 03:57 PM AST
To: Walter Mugdan
Cc: Douglas Fischer; Doug Garbarini; David King; Paul Simon; "Haggard, John (GE, Corporate)" <john.haggard@ge.com>; "Moreno, Sheri L (GE, Corporate)" <sheri.moreno@ge.com>; "Gibson, Bob

(GE, Corporate)" <bob.gibson@ge.com>; "Gutter, Samuel I." <sgutter@Sidley.com>
Subject: Coring and Sampling SOW

Walter:

We are still waiting for final approval on the coring proposal that we submitted on August 20, more than 2 weeks ago. We received 39 **draft** comments on August 31, which was a little startling considering that when we met with the Field Office Team on August 26 it had about 15 comments, most of which we believed were easily resolvable. We responded to the most significant of the draft comments -- about sampling 20% of high confidence cores -- the next day along with updated sampling location figures and our rationale for sample location selection.. EPA then provided an updated matrix on September 3, including several new comments not previously identified -- so that the comments now number 44, and with accompanying tables the matrix is 29 pages long (we have responded to that today, and I have attached a copy of our response). Notwithstanding all of this, your team has still not provided comments on our proposed high confidence re-coring locations. Based on a phone call, your team has said that there is an internal meeting scheduled for tomorrow, which will "hopefully" result in final comments.

We are very concerned that the delays are going to impact our ability to complete the coring work before the canal shuts down. Unfortunately, some of the delays are due to the fact that your team is raising issues that are either extraneous or irrelevant to the current effort. For example, one of the comments asked us for additional surface sediment (0-2") sampling, which obviously has nothing whatsoever to do with establishing DOC. We have also been asked to revisit our assessment of potential additional sampling techniques, the first time this has been raised even though we reviewed the various techniques we were proposing to use with you in June. Most astonishingly, you have asked us to extend sampling to the full 14-foot depth of the navigation channel. As you know, the navigation channel depth has absolutely no relationship to DOC, and including this request is just indefensible.

It is hard to understand why the Agency is making this so complicated, especially considering that this is an effort that GE has agreed to undertake even though it is neither required by the Consent Decree nor will it be necessary for GE to carry out if the company chooses to opt out of Phase 2. We will make ourselves available at any time to resolve the outstanding issues, but every day we waste makes it harder to get the work done. We really need to push this through as fast as possible. As I know that you are justifiably unavailable this week, I have sent this note to your team as well, and any one of them can feel free to call me at any time to talk about this. My cell is 203-615-1330.

<<2010-09-07 Response to 2010-09-03 EPA Sampling Plan Comments_final.pdf>>

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